

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE UNITED STATES OF AMERICA

v.

No. 19-cr-00251-LM

JOHNATHON IRISH

ASSENTED-TO MOTION TO CONTINUE SENTENCING HEARING

The defense respectfully requests that the sentencing hearing scheduled for November 24, 2020 be continued for at least 45 days because the government has identified a new witness who the government proposes to have testify by video at the sentencing hearing.

Mr. Irish was convicted following a jury trial of being a prohibited person in possession of a firearm. His sentencing is scheduled for November 24, 2020. The final presentence investigation report has been filed, with objections noted. The defense and the government have filed sentencing memoranda. The presentence investigation report and the memoranda of the parties recognize that the number and nature of firearms involved in the offense significantly affects the calculation of the sentencing guidelines. One of the firearms at issue is a Sig Sauer rifle.

Yesterday, November 18, 2020, the government notified the defense that the government intends to “present the testimony of Sig Sauer COO/VP Ron Goslin at the upcoming sentencing hearing to support the government’s position that possession of the Sig Sauer rifle affected interstate commerce.” The government also noted that, “Mr. Goslin is available only by video right now.”

Mr. Goslin did not testify at trial. There are no reports of interviews with him in discovery. Neither the government nor the defense have interviewed Mr. Goslin. Neither side has written statement from him. In short, we do not know what he will say.

To have a fair chance to prepare for the sentencing hearing, the defense seeks a continuance. The defense would use the additional time to find out what the witness intends to say, to look for additional evidence if the witness's testimony is harmful to the defense, to prepare to cross-examine the witness, and to otherwise prepare to address his testimony.

In addition, this witness is not available to testify in person. He is only available by video. Undersigned counsel consulted with Mr. Irish who states that he does not, at this time and under these circumstances, consent to the testimony of this important witness by video.

Undersigned counsel discussed the motion to continue with Mr. Irish. The discussion included the applicable statutory and constitutional rights, as well as possible advantages and disadvantages of delaying the sentencing hearing. After a full discussion, Mr. Irish agrees to and supports the requested continuance.

In light of the foregoing, the defense seeks a continuance of at least 45 days.

Assistant United States Attorney Anna Krasinski states the government assents to this motion.

WHEREFORE the defense requests that the sentencing hearing scheduled for November 24, 2020 be continued for at least 45 days.

Date: November 19, 2020

Respectfully submitted,

/s/ Richard Guerriero
Richard Guerriero, Esq.
N.H. Bar ID. 10530
Lothstein Guerriero, PLLC
Chamberlain Block Building
39 Central Square, Suite 202
Keene, NH 03431
Telephone: (603) 352-5000
richard@nhdefender.com

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to registered Participants identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to the nonregistered participants on the date the document was signed by me.

/s/ Richard Guerriero